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Comments Reply to P70-303 dated 03-01-06

Application 10/672,741

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I hereby certify that this correspondence for Application Serial No. 10/672,741 is being facsimiled to the U.S. Patent and Trademark Office via fax number (571) 273-8300 on the date shown below:

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REQUEST FOR RECONSIDERATION

Application 10/672,741

03/06/06

This letter is in response to PTOL-303 mailed on 03/01/06 and addresses the issues contained therein.

The examiner has decided not to allow the proposed amendment(s) in the reply dated 02/21/06 because they raise new issues that would require further consideration and or search. While the applicant disagrees with this decision, the request to delete the words "or near" is hereby withdrawn and claim 1 is being resubmitted in its original form with the words "or near" included.

The examiner further states that applied prior art "reads on" the claims. The applicant disputes this allegation that the prior art reads on the claims in application 10/672,741 with the following argument.

The applicant assumes the applied prior art relied upon by the examiner is the Hakim 3,157,302 patent and this response is directed at this patent.

The claims, drawings and specification in Hakim '302 clearly define the package as having a closure that is substantially below the top surface of the container, stated in the in the claims as being a space greater than the height (depth) of the closure; in the drawings FIGS. 4 and 6; and in the specification column 2 lines 15-20. Hakim depends upon this structure to teach a package having a dual lock.

The 10/672,741 application claims a package having a closure top surface that has little to no protrusion above the container top surface as clearly stated in the claims and shown in the drawings FIGS. 4 and 5. The specific wording in the claims "**little to no protrusion**" replaced the wording "**little or no protrusion**" in a prior amendment to the claims. The specification requires that the top of the closure be accessible at the mouth of the container so that frictional engagement with ones hand can be used to rotate the closure with respect to the container.

Clearly the structure in the Hakim '302 having a closure completely below the top surface of the container at a distance greater than the overall height of the closure is not within the scope of the claims in application 10/672,741 where the closure has little to no protrusion above the top surface of the container.

The request to delete the line "said closure being removable from said container by rotating said closure with respect to said container" is assumed to be acceptable by the examiner as it was not addressed in the PTO-303 mailing dated 03/01/06. The claims are being sent again with claim 1 will be labeled "previously presented" based upon the assumed acceptance of the deleted line and the withdrawal of the request to delete the words "or near"; and claims 10-19 being omitted as they were previously cancelled and the total claims shown on PTO-875 dated 2/21/06 is 9.

It is hoped that the examiner will find this reply convincing and find this application in condition for allowance.

Thank you in advance for the prompt attention given this request.


Maximillian Kusz